

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER IRWIN,
Plaintiff

v.

WARDEN JOE PELZER, et al.,
Defendants.

)
)
)
)
)
)
)

Civil Action No. 04-246 Erie
District Judge McLaughlin
Magistrate Judge Baxter

ORDER

Plaintiff has filed with this Court a letter dated January 12, 2006 [Document # 39], which has been deemed a motion for appointment of counsel and a motion for extension of time to file a response to the motion to dismiss that has been filed by Defendants Chartiers Township Police Department and Patrolmen Ronald Raymond. To the extent Plaintiff has requested an appointment of counsel, such request has been taken under advisement and will be addressed by separate order at a later date. To the extent Plaintiff has requested an extension of time, the Court notes that Plaintiff was originally ordered to file a response to the motion to dismiss by November 21, 2005; however, no response was received from Plaintiff until he filed his pending extension request nearly two months later. In light of this significant delay in filing an extension request, this Court does not wish to delay consideration of Defendants' motion to dismiss much further. Furthermore, this Court does not believe that Plaintiff requires legal representation for purposes of filing a response to the pending motion to dismiss, as the primary basis for seeking dismissal is Plaintiff's alleged failure to comply with the applicable statute of limitations.

AND NOW, this 30th day of January, 2006,

_____IT IS HEREBY ORDERED that Plaintiff's motion for appointment of counsel [Document # 39] will be held in abeyance pending further consideration by this Court.

IT IS FURTHER ORDERED that Plaintiff's motion for extension of time to file a response to the motion to dismiss that has been filed by Defendants Chartiers Township Police

Department and Patrolman Ronald Raymond [Document # 39] is GRANTED for a period of ten (10) days from the date of this Order. Accordingly, Plaintiff shall file his response to Defendants' motion on or before February 9, 2006.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

S/Susan Paradise Baxter
SUSAN PARADISE BAXTER
Chief U.S. Magistrate Judge